

REMARKS

This application has been reviewed in light of the Office Action dated April 28, 2009. Claims 1-3, 6, 9, 11, 13, and 20-22 are presented for examination, of which Claims 1, 11, 13, and 21 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-3, 6, 9, 11, 13 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,774,624 (*Enari*), in view of U.S. Patent No. 6,556,627 (*Kitamura et al.*); Claims 21-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kitamura et al.* in view of *Enari*. Applicant submits that independent Claims 1, 11, 13, and 21, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Notable features of Claim 1 include "a controller configured to control, upon detection of the instruction while the encoded image signal is being transmitted to the external device, said recording unit to start recording the encoded image signal, wherein said controller controls said recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected if the frame is an interframe-encoded picture." By virtue of these features, even if a record instruction to start a recording of an encoded image signal is input while the encoded image signal is being transmitted to an external device, frame (picture) loss in both transmitted and recorded encoded image signals can be avoided.

Without the controller, some frames will be lacking at the beginning of the recorded encoded image signal when a record instruction is input, particularly when the interframe encoded picture in the encoded image signal is being transmitted to an external

device. This is because an interframe encoded picture requires an intraframe encoded picture to decode itself. No picture can be played back until the first intraframe encoded picture appears in the recorded image signal.

The claimed “controller” controls a recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected if the frame is an interframe encoded picture. Recording the encoded image signal from the beginning of a picture group means that all the pictures included in the picture group can be decoded. Therefore, regardless of when the record instruction is input, an image frame (picture) corresponding to the timing at which the record instruction is input can always be encoded and played back.

Enari involves encoding an inputted image signal and recording the encoded image signal. Encoding of the inputted image signal is started in response to a recording instruction. However, *Enari* is silent regarding transmitting the encoded image signal to an external device and starting the recording of the image signal when the image signal is being transmitted. Indeed, *Enari* merely discloses starting the recording and encoding at the same time.

Accordingly, Applicant submits that Claim 1 is patentable over *Enari*.

Kitamura et al. involves encoding an image signal using both intraframe and interframe encoding, and recording the encoded image signal onto a recording medium. Reading the encoded image signal from the recording medium and generating the image signal only includes intraframe encoded picture for editing an image signal. Re-encoding the edited image signal is performed using both the intraframe encoding and the interframe encoding.

In contrast to Claim 1 of the present application, *Kitamura et al.* does not disclose or suggest even starting recording of the encoded image signal upon receiving an instruction to start a recording while the encoded image signal is being transmitted.

Accordingly, Applicant submits that Claim 1 is patentable over *Kitamura et al.*

U.S. Patent Appln. No. 6,057,893 (*Kojima et al.*) discloses detecting a scene change from an encoded image data and changing an interframe encoded picture next to a scene-change frame into an intraframe encoded picture. However, *Kojima et al.* also do not disclose or suggest even starting a record of the encoded image signal upon receiving an instruction to start recording while the encoded image signal is being transmitted.

Accordingly, Applicant submits that Claim 1 is patentable over *Kojima et al.*

Applicant further submits that a combination of *Enari*, *Kitamura et al.* and/or *Kojima et al.*, assuming such combination would even be permissible, would fail to teach or suggest “a controller configured to control, upon detection of the instruction while the encoded image signal is being transmitted to the external device, said recording unit to start recording the encoded image signal, wherein said controller controls said recording unit to record the encoded image signal from a beginning of a picture group containing a frame corresponding to when the instruction is detected if the frame is an interframe encoded picture,” as recited in Claim 1.

Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 11, 13 and 21 recite features similar to those discussed above in connection with respect to Claim 1. Accordingly, Claims 11, 13 and 21 are believed to be patentable for at least the same reasons as discussed above.

A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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